

**United States District Court
Southern District of Ohio
Western Division**

REX. L. WAITS,

Plaintiff,

Case No. 1:07-cv-473

vs.

Spiegel, J.
Black, M.J.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**REPORT AND RECOMMENDATION¹ THAT THE PARTIES' JOINT REQUEST FOR
A SENTENCE FOUR REMAND (Doc. 9) BE GRANTED, AND THIS CASE
THEREFORE TERMINATED UPON THE DOCKET**

For good cause shown, the undersigned **RECOMMENDS** that the parties' joint request for a sentence four remand (doc. 9) be **GRANTED** and this case be **TERMINATED UPON THE DOCKET** by entry of judgment pursuant to Federal Rule of Civil Procedure 58.

The undersigned **FURTHER RECOMMENDS** that, pursuant to the parties' joint request, upon remand, the Appeals Council shall vacate the Administrative Law Judge's February 22, 2005 decision, and send the claim to an ALJ with instructions to hold a new hearing, further develop the record, and issue a new decision. Furthermore, pursuant to the parties' joint request, the ALJ shall consider the medical opinion evidence and witness testimony, and articulate reasons for the weight attributed to those opinions and testimony regarding Mr. Wait's limitations, both physical and mental.

Date: December 12, 2007

s/Timothy S. Black
Timothy S. Black
United States Magistrate Judge

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **TEN (10) DAYS** after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to **THIRTEEN (13) DAYS** (excluding intervening Saturdays, Sundays, and legal holidays) when this Report is being served by mail and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within **TEN (10) DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).